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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,670	06/26/2001	Heinrich Franz Bartosik	AT000040	9721

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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NOLAN, DANIEL A

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 12/31/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/891,670

Applicant(s)

BARTOSIK, HEINRICH FRANZ

Examiner

Daniel A. Nolan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because:
  - It exceeds 150 words in length and should be a single paragraph.
  - No reference to drawings should be made because the Abstract separately is to provide "a brief narrative of the disclosure as a whole" – see MPEP § 608.01(a)(j).
  - The words "Fig. 1" should be removed (from the end).

Correction is required. See MPEP § 608.01(b).

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Recording apparatus for recording speech information for a subsequent off-line speech recognition".

3. The use of trademarks such as "*SpeechMagic*<sup>™</sup>" (page 4 line 25), "*Lotus Notes*<sup>®</sup>" (page 5 line 21), "*FreeSpeech 2000*<sup>™</sup>" (page 12 line 7) etc. have been noted in this application. These should be capitalized wherever they appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

### Claim Objections

4. Claims 1-8 are objected to because of the following informalities:
- Claims should not contain references to the drawings as subsequent alterations to the drawing would require revisiting examination of the claim limitations.
  - In claim 1,
    - o a colon should follow the word "*comprising*" (4<sup>th</sup> line).
    - o "recording" should begin a new line (6<sup>th</sup> line).
  - Claim 1 is subject to interpretation as to whether the 2<sup>nd</sup> use of the word "*comprising*" (13<sup>th</sup> line) is intended to apply to the "*recording apparatus*" (1<sup>st</sup> line) or the SR device (10<sup>th</sup> line).

The Examiner is proceeding with the understanding that the latter is the case, and that lines 10 and 13 are to be further indented to indicate pertaining to SR device. Indenting the wording to reflect the structure will prevent errors of misunderstanding in the future. See MPEP Content of Specification –

Arrangement of the Specification provided in 37 CFR 1.77(b):

- (i) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet (37 CFR 1.52(b)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).

- Claims 2 & 3 contain the adjective "*low*". It is suggested to use a more precise definition. The Examiner is proceeding with the understanding that any lesser value will apply.

- Claim 4 contains the adjective "*high*". Use of a more precise definition is suggested.  
The Examiner is proceeding with the understanding that any greater value will apply.
- In claims 5 and 8, the word "*respectively*" lacks alternative objects and so is the word disregarded (in both lines 13 & 26, respectively).

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

#### **Comerford et al & Brooks et al**

6. Claims 1 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Comerford et al (U.S. Patent 5,243,149 A) in view of Brooks et al (U.S. Patent 6,477,493 B1).

7. Regarding claim 1 as understood by the Examiner, the invention of Comerford et al for *improving the paper interface to computing systems* reads on the feature of the claim for *a recording apparatus for recording speech information* (column 2 line 16) of *a dictation and for the subsequent transfer* (column 2 line 60) of *the recorded speech*

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*information of the dictation to a speech recognition device (column 2 lines 65-66) for off-line speech recognition as follows:*

- *Comerford et al reads on the feature for receiving the speech information of the dictation (column 2 lines 15-17),*
- *Comerford et al reads on the feature for recording the received speech information (i.e., "collected" in column 2 lines 55-58) of the dictation in a recording mode of the recording apparatus and*
- *Comerford et al reads on the feature for transferring recorded speech information of the dictation (i.e., "dumped" column 2 lines 60-66) to the speech recognition device in a transfer mode of the recording apparatus,*
- *Comerford et al reads on the feature of which speech recognition device is arranged for recognizing text information to be assigned to the transferred speech information (column 3 lines 42-44), in such a matter that clearly recognizes the limitation of the quality of the recognized text information depending on the quality of the received speech information (so that speech and text can be later correlated, column 3 lines 44-47),*

*Comerford et al does not, however, mention quality testing.*

*Brooks et al (57 figure 4A) reads on the feature of testing whether the quality of the speech information received in the recording mode is sufficient for obtaining a predefined quality of the recognized text information when the speech information is processed by the speech recognition device, and (60 in figure 4A) the feature of which speech information is transferred in the transfer mode (see Comerford et al, column 2*

line 60) and Brooks et al reads on the feature *for transferring feedback information in the recording mode* (58 in figure 4A), *which feedback information represents the result of the test of the speech quality test.*

It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Brooks et al to the device/method of Comerford et al so as to notify users of a failure with suggested remedies.

8. Regarding claim 5 as understood by the Examiner, the claim is set forth with the same limits as claim 1. Comerford et al does not mention *quality testing*. Brooks et al reads on the feature of *testing to determine understandability or clarity [respectively] of the words of the dictation spoken by the user* (64 figure 4B) *and, when the user pronounces the words so that they cannot be understood or are too indistinct, can transfer respective feedback information* (66 figure 4B).

It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Brooks et al to the device/method of Comerford et al so as to notify users of a failure with suggested remedies.

9. Regarding claim 6 as understood by the Examiner, the claim is set forth with the same limits as claim 1. Comerford et al does not mention *quality testing*. Brooks et al reads on the feature *for transferring feedback information which give the user an*

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*indication how the quality of the received speech information can be improved by measures of the user (column 7 line 47) so as to notify users of a failure with suggested remedies.*

10. Regarding claim 7 as understood by the Examiner, the claim is set forth with the same limits as claim 1. Comerford et al discloses the feature that *the recording device is formed by a handheld (column 2 lines 27-29) dictating machine.*

**Comerford et al, Brooks et al & Polikaitis et al**

11. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Comerford et al in view of Brooks et al and further in view of Polikaitis et al (EPO Patent Great Britain 2,346,001 A).

12. Regarding claim 2 as understood by the Examiner, the claim is set forth with the same limits as claim 1. Comerford et al (column 2 lines 15-17) reads on the feature of *receiving a speech signal containing speech information* but neither Comerford et al nor Brooks et al mention *testing for SNR.*

Polikaitis et al, with the *communication device and method for screening speech recognizer input* reads on the feature *for testing the signal-to-noise ratio of the received speech signal (260 figure 2) and in which, when the signal-to-noise ratio is too low (S/N<Thresh6→error4 in figure 2), can transfer respective feedback information (263 & 268 in figure 2).*



It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Polikaitis et al to the device/method of Comerford et al & Brooks et al so as to provide the opportunity to correct the speech or configuration squelch.

13. Regarding claim 3 as understood by the Examiner, the claim is set forth with the same limits as claim 1. Comerford et al (column 2 lines 15-17) reads on the feature of *receiving a speech signal containing speech information* but neither Comerford et al nor Brooks et al mention *testing for speech signal levels*.

Polikaitis et al reads on the feature *for testing the level of the received speech signal* (page 13 lines 11-12) *and in which, when the level is too low* (page 13 line 13), *can transfer respective feedback information* (page 13 line 18).

It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Polikaitis et al to the device/method of Comerford et al & Brooks et al so as to provide the opportunity to correct the speech or configuration gain.

14. Regarding claim 4 as understood by the Examiner, the claim is set forth with the same limits as claim 1. Comerford et al (column 2 lines 15-17) reads on the feature of *receiving a speech signal containing speech information* but neither Comerford et al nor Brooks et al mention *testing for velocity or loudness*.

Polikaitis et al, with the *communication device and method for screening speech recognizer input reads on the feature for testing the velocity of the received speech signal (250 figure 2) and in which, when the speech velocity of the user is too high (page 12 lines 11-13), transfers respective feedback information (253 & 258 in figure 2).*

It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Polikaitis et al to the device/method of Comerford et al & Brooks et al so as to provide the opportunity to correct the speech or configuration volume.

**Comerford et al, Brooks et al & Kopp et al**

15. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Comerford et al in view of Brooks et al and further in view of Kopp et al (U.S. Patent 5,809,464 A).

Regarding claim 8 as understood by the Examiner, the claim is set forth with the same limits as claim 1. Comerford et al discloses a connection to output (295 in figure 15) but inputs only through the microphone and neither they nor Brooks et al mention *phone or data lines*.

With the disclosure of *apparatus for recording speech for subsequent text generation*, Kopp et al teaches the feature *for receiving the speech information to a telephone line (column 3 lines 63-66) or data line [respectively]*. It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of

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the invention to apply the method/teachings of Kopp et al to the device/method of Comerford et al & Brooks et al to extend service for processing speech to persons at other locations.

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Wactlar et al (U.S. Patent 5,835,667 A) creating a searchable digital video library and a system and method of using such a library.
- Neff (EPO Patent Great Britain EPO 2082820 A) converting speech into corresponding written form.
- Bartosik (U.S. Patent 6,662,156 B2) speech detection device having multiple criteria to determine end of speech.

17. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Daniel A. Nolan at telephone (703) 305-1368 whose normal business hours are Mon, Tue, Thu & Fri, from 7 AM to 5 PM.

If attempts to contact the examiner by telephone are unsuccessful, supervisor Richemond Dorvil can be reached at (703)305-9645.

The fax phone number for Technology Center 2600 is (703)872-9314. Label informal and draft communications as "DRAFT" or "PROPOSED", & designate formal

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communications as "EXPEDITED PROCEDURE". Formal response to this action may be faxed according to the above instructions,

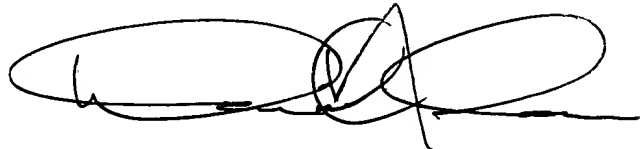
or mailed to: P.O. Box 1450  
Alexandria, VA 22313-1450

or hand-deliver to: Crystal Park 2,  
2121 Crystal Drive, Arlington, VA,  
Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office at telephone number (703) 306-0377.

Daniel A. Nolan  
Examiner  
Art Unit 2654

DAN/d  
December 23, 2003

A handwritten signature in black ink, appearing to read 'Daniel A. Nolan', with a large, stylized loop at the end.

**DANIEL NOLAN  
PATENT EXAMINER**